



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,672	06/27/2001	Byron L. Bemis	24913A	6954
22889	7590	04/14/2004	EXAMINER	
OWENS CORNING			HALPERN, MARK	
2790 COLUMBUS ROAD				
GRANVILLE, OH 43023			ART UNIT	PAPER NUMBER
			1731	

DATE MAILED: 04/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/894,672	BEMIS, BYRON L.
	<b>Examiner</b> Mark Halpern	<b>Art Unit</b> 1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 March 2004.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 24 is/are allowed.
- 6) Claim(s) 1,2,4-7 and 10-19 is/are rejected.
- 7) Claim(s) 3,8 and 9 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)              |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.  |

**DETAILED ACTION**

- 1) Acknowledgement is made of Amendment received 3/25/2004. Applicants cancel claims 20-23.

***Oath/Declaration***

- 2) Amended Oath is required from the additional inventors including an indication that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 3) Claims 1-2, 6-7, 11, 13-19, are rejected under 35 U.S.C. 102(b) as being anticipated by Schlachter (4,155,732).

Claims 1-2, 6, 14-15, 17-19: Schlachter discloses an extrusion crucible, having a bottom wall 5 which is apertured and provided with extrusion nozzles or spinning jets. Mounted on top of the extrusion crucible is melting crucible 3. The structure of the melting crucible 3 reads on the claimed first portion of a body. As shown in Figures 1-

3, 5, on either end of the crucible is side support structure 4 having a variable height and an apex point. The side support structure 4 reads on the claimed second portion of a body (col. 4, lines 12-54, and Figures 1-5).

Claims 7, 11: the first member, crucible 3, is the first portion of a body, the second member, is the side support structure 4. The second member is coupled with the first member and having a variable height profile with an apex, as shown in Figure 5.

Claim 13: the first portion of the body, crucible 3, includes a plurality of openings, as shown in Figure 5.

Claims 15-16: as shown in Figure 5, a plurality of reinforcement members extend along the width of the apparatus.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4) Claims 4-5, 10, 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlachter in view of Stalego (3,810,741).

Claims 4, 10: Schlachter is applied as above for claim 3, 7, Schlachter fails to disclose that the second portion of the body has an arcuate profile, an inverted V-shaped profile or an inverted W-shaped profile. Stalego discloses an apparatus for melting glass and forming fibers that includes second portion of the body, strips 30, of

inverted W-shaped profile (Stalego, col. 4, lines 11-38 and Figures 1-2). It would have been obvious, to one skilled in the art at the time the invention was made, to combine the teachings of Schlachter and Stalego, because such a combination would provide greater strength of the design of Schlachter as disclosed by Stalego.

Claim 5: the Stalego part 30 has an apex located at the midpoint, as shown in Figure 2.

Claim 12: the Stalego part 30 has at least two apexes, as shown in Figure 2.

#### ***Allowable Subject Matter***

- 5) Claim 24 is allowed.
- 6) Claims 3, 8-9, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for indicating allowable subject matter is that the cited prior art does not disclose a bushing assembly having: the body's first and second portions of the cross-section claimed (claim 3); the body's first and second members of the cross-section claimed (claims 8, 9); the body include an upper portion coupled with a lower portion and wherein the upper portion is of a variable height profile and includes an apex (claim 24).

***Response to Amendment***

- 7) Amended Oath for the additional inventors does not recite that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.
- 8) The Declaration Under 37 CFR 1.132, is accepted.
- 9) Claims 1-11, 13-19, 24, rejection under 35 U.S.C. 102(e) as being anticipated by Sullivan (6,272,887), is withdrawn in view of further search of art in prior art.
- 10) Claim 12 rejection under 35 U.S.C. 103(a) as being unpatentable over Sullivan in view of Makarov (SU 618346), is withdrawn in view of further search of art in prior art.
- 11) Applicant's arguments with respect to claims 1-19, 24, have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

- 12) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 571-270-1190. The examiner can normally be reached Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-270-1700.

  
Mark Halpern  
Patent Examiner  
Art Unit 1731